



MINISTRY OF TOURISM AND WILDLIFE
STATE DEPARTMENT FOR TOURISM



Work Place Policy on Disability Mainstreaming





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2021

Foreword

Persons with disabilities are a distinct group whose needs, capacities and aspirations require special attention. In a world that is vast changing and determined to incorporate all persons in development, the issues of disability have recently been gaining recognition worldwide. Deliberate efforts to integrate people with disability into development are central towards achieving Sustainable development goals.

The State Department for Tourism is committed to the provision of necessary opportunities and services to persons with disabilities. The purpose of formulating this disability mainstreaming policy is therefore to ensure that the State Department provides an environment where there is equality of opportunities and where persons with disability can enjoy a quality work experience.

The policy provides clear guidelines regarding the position of the State Department with regard to non-discriminatory practices, effective participation, equity and respect to Persons with Disabilities. This policy has been formulated in line with the requirements of the Constitution, Persons with Disabilities Act (2003), the Employment Act and the Public Service Commission Code of practice for mainstreaming disability in the Public Service among other legal requirements. It therefore, provides guidelines and strategies on the entrenchment of Disability Mainstreaming issues into our various activities, services and facilities in the State Department.

I am confident that with the implementation of this policy, the State Department will provide a conducive work environment to all. I wish to assure the members of staff and our stakeholders that I am committed to the full implementation of the policy.



HON SAFINA KWEKWE TSUNGU, CBS
PRINCIPAL SECRETARY
STATE DEPARTMENT FOR TOURISM

Acknowledgement

The development of the Policy on Disability Mainstreaming would not have been possible without the support of the top management led by the Principal Secretary for Tourism, Hon. Safina Kwekwe Tsungu who has consistently shown great enthusiasm in promoting equity and equality and non-Discrimination..

The role played by the key stakeholders, State Agencies in Tourism and the staff of the State Department of Tourism deserve a special mention.

Finally, we would like to recognize the efforts put in by the Gender and Disability Mainstreaming Committee for their commitment in spearheading this process.



ANYUMBA NYAMWAYA

DIRECTOR OF ADMINISTRATION

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List of abbreviations

AIDS	Acquired Immune Deficiency Syndrome
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CPAPWD	Continental Plan of Action for Persons with Disabilities
NCPD	National Council for Persons with Disability
EWDs	Employees with Disability
HIV	Human Immune Deficiency Virus
ICESCR	International Convention on Economic, Social and Cultural Rights
DMC	Disability mainstreaming Committee
PWDs	Persons with Disabilities
SAGA	Semi-Autonomous Government Agency
SDT	State Department for Tourism
UN	United Nations
IBHR	International Bill of Human Rights
UDCR	Universal Declaration of Human Rights
WPACDP	World Programme of Action concerning Disabled Persons

Definitions of terms

- Accessibility** The attribute of being easy to meet or deal with
- Act** Means the Persons with Disabilities ACT 2003.
- Assessment** It is a method of gathering information to ascertain the needs and the required services for persons with disabilities.
- Disability:** A physical, sensory, mental or other impairment including any visual, hearing, learning or physical incapacity, which impacts adversely on social economic and environmental participation.
- Disability Mainstreaming** To promote inclusion and address barriers that exclude PWDs from full and equal participation in the Institution.
- Discrimination** Any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation.
- Equity:** A reasonable accommodation should be provided to persons with disabilities in the workplace.
- Equality:** An equal basis with others, to just and favorable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances.
- Mainstreaming** The process of integrating formerly segregated and/ or stigmatized issues and people into 'mainstream' society and development programmes – and out of the welfare department. It is a strategy through which concerns, needs and experiences of persons with disabilities are made an integral part or dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that persons with disabilities benefit equally and inequality is not perpetuated;
- Person with disability** means a person who has long-term physical, mental, intellectual or sensory impairments, which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others and recognized by an authorized entity;

1.0 Introduction

The Government of Kenya has a National Action Plan for Implementation of the Sustainable Development Goals (SDGs), which includes a commitment to include disability in the development agenda. It is therefore actively promoting disability mainstreaming in order to anchor disability into government policies, plans and programmes. Consequently, inclusive processes and mechanisms that promote equity and participation of Persons with Disabilities should be part of every institution's endeavor.

The State Department for Tourism acknowledges disability as a main concern that requires support from all stakeholders. The formulation and adoption of this policy is aimed at mainstreaming disability issues in the State Department. This policy is anchored on the UN Convention on the Rights of Persons with Disabilities of 2008, the Persons with Disabilities (PWDs) Act of 2003, the National Disability Policy of 2006 and the Constitution of Kenya

Over the last few years, the State Department for Tourism has dealt with various needs of PWDS from staff and clients. This has obliged the State Department to redesign its governing tools to address emerging issues related to PWDs and to create a conducive environment that is ready to face development issues through providing quality services and equal work opportunities to all.

The Department of Tourism is committed to the provision of necessary opportunities and access to PWDs. Our aim is to provide an environment where PWDS can enjoy equal opportunities and quality experience while working or visiting the workplace. This is the purview within which the Disability Workplace Policy is formulated.

2.0 Background

The rights of PWDs have been a subject of much attention in the United Nations (UN) and other international organizations for a long time. As a result, the UN standard rules on the equalization of opportunities for Persons with Disabilities (1993) were developed based on the experiences gained during the UN's Decade of Disabled Persons (1983 - 1992). Other international instruments for the promotion of human rights include: the International Bill of Human Rights (IBHR) which comprise of the Universal Declaration of Human Rights [UDHR] (1948); the International Convention on Economic, Social and Cultural Rights [ICESCR] (1966); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979); the World Programme of Action concerning Disabled Persons [WPACDP]; the convention on the rights of PWD's (2006), The African Charter on Human and People's Rights [ACHPR] (1981), and the Continental Plan of Action for Persons With Disabilities [CPAPWD] in Africa (2002).

In the Kenyan constitution, Chapter 4, Section 54: talks of persons with disabilities to be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning. In Chapter 4, Section 56; the Minorities and marginalized groups are provided with special opportunities

for access to employment. As a UN member state, Kenya has done a lot towards integration of all its people. The standard rules on the equalization of opportunities for persons with disabilities have culminated in formulation of legislation among which is persons with disabilities Act (2003) that aims at mainstreaming persons with disabilities in all aspects of human activities

The National Council for Persons with Disabilities was set up in December 2004 following the enactment of The Persons with Disabilities Act (PWD) 2003. The Council is a semi-autonomous government agency (SAGA) under the Ministry of Labour and Social Protection. The State Department for Tourism therefore takes cognizance of the Act and the mandate of the council in an effort to enhance service delivery for its employees with disabilities. It is against this background the State Department of Tourism has developed this disability policy to provide guidance on how to address issues and concerns of persons with disabilities

Persons with Disabilities who **must** be registered with **the National Council for Persons with Disabilities** shall include those with the following disabilities:

- i. Acquired brain injury.
- ii. Attention Deficit and Hyperactivity disorder Medical conditions as given by National Commission for Persons with Disability.
- iii. Hearing impairment.
- iv. Learning Disabilities.
- v. Vision Impairment
- vi. Mobility and neurological disorders.
- vii. Mental disorders.

3.0 Purpose

The purpose of this policy is to promote, protect and ensure full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity within the State Department.

4.0 Objectives

The main objectives of the policy include:

- i. To create awareness on disability issues amongst staff and clients.
- ii. To create accessibility to the institution's services for PWDs.

- iii. To provide equal opportunities at the workplace for PWDs.
- iv. To create a conducive work environment for PWDs.

5.0 Justification

The SDT has recognized that PWDs in the society form a core group who contribute immensely to the achievement of National Tourism Policy, Strategic Plan, Vision 2030 and the requirements of the Constitution of Kenya Article 27(1). They form part of the State Department employees and clients who may be marginalized and hence may not realize their full potential. SDT has therefore taken deliberate strategic efforts to bridge this gap by having a workplace policy on mainstreaming Disability issues.

6.0 Scope

This policy sets standards for mainstreaming disability issues at the State Department's projects, programmes and activities. The policy applies to Management, Employees, and clients.

7.0 Underlying Principles

The following principles shall guide the implementation of the policy:

- i. Non-discrimination.
- ii. Equality and equity.
- iii. Integrity and Confidentiality.
- iv. Affirmative Action.
- v. Safe and Healthy Work Environment.
- vi. Care and Support.

8.0 Policy Areas

8.1 Accessibility and Mobility

The Department shall endeavor to provide barrier-free and disability friendly environment to enable PWDs to have access to buildings and services.

8.2 Access to information

The Department shall endeavor to provide information in accessible formats to PWDs.

8.3 Recruitment, Appointment and Promotion

The Department shall endeavor to accord equal employment, appointment and promotion opportunities to qualified PWDs.

8.4 Compensation

The Department shall endeavor to accord equal compensation, privileges, benefits, fringe benefits, incentives and allowances to all PWDs staff.

8.5 Taxation

The Department shall exempt all employees registered with the Council from tax as provided in the Act upon receiving Tax Exemption Certificate from Kenya Revenue Authority.

8.6 Responsibilities and Duty allocation

The Department shall consider every disability case individually and assign appropriate responsibilities and duties with a view to enabling PWDs maximize their full potential.

8.7 Training

The Department shall accord equal training opportunities to PWDs.

8.8 Transfers, Deployment and Retention

The Department shall consider individual circumstances of PWDs before effecting any transfers, deployment and retention.

8.9 Termination of Employment

Termination of employment terms shall apply to all employees regardless of disability status.

8.10 Retirement

The retirement age for PWDs shall be as provided by the government from time to time.

8.11 Records on Disability

The Department shall maintain records and a data base of PWDs for planning and other purposes.

8.12 Awareness

The Department shall regularly carry out disability awareness programmes amongst its employees and stakeholders to promote positive attitudes and ensure appropriate inclusion of disability issues in the provision of services.

8.13 Rights and Privileges

The Department shall maximize its available resources to achieve full actualization and realization of rights and privileges of its PWDs.

8.14 Confidentiality

The Department shall not disclose any information related to issues affecting employees who have disability without their permission and or consent.

8.15 Harassment and Abuse

The Department shall not tolerate sexual harassment, any form of abuse or exploitation of PWDs at the workplace.

9.0 Roles and Responsibilities

9.1 The Authorized Office shall:

- (a) Constitute a Disability Mainstreaming Committee with membership as follows:
 - i. Senior staff who should be the Chairman.
 - ii. An Officer from Human Resource Management and Development.
 - iii. An Officer from Supply Chain Management Services.
 - iv. At least 30% representation by persons with disabilities.
 - v. Representatives from identified departments.
 - vi. Disability mainstreaming Focal person or secretary of the Committee.
- (b) Provide necessary resources and support for implementation of thi Policy.

9.2 Mandate of the Disability Mainstreaming Committee

- i. Create awareness among employees on the needs of PWDs.
- ii. Implement the disability workplace policy.
- iii. Maintain a data base on Employees with Disabilities.

- iv. Liaise with the National Council of PWDs on all matters concerning Disabilities
- v. Advise the Authorized Officer on emerging issues and matters Concerning PWDs.
- vi. Coordinate and provide care and support to employees and clients With special needs.

10.0 Policy Compliance

It is the responsibility of all the employees to comply with this policy.

11.0 Monitoring and Evaluation

Monitoring and evaluation of this policy shall be done on a continuous basis by the Department through the Disability Mainstreaming, Committee.

12.0 Complaints and Feedback

Complaints and feedback on Disability issues shall be addressed through the mechanisms set by the State Department and shall refer the case to the Disability Mainstreaming Committee for action.

13.0 Policy Review

The policy will be reviewed as need arises.

